

108TH CONGRESS
1ST SESSION

H. R. 748

To require the Council on Environmental Quality to conduct a study on urban sprawl and smart growth, and to ensure the consideration by Federal agencies of urban sprawl in the preparation of their environmental reviews under the National Environmental Policy Act of 1969.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2003

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

A BILL

To require the Council on Environmental Quality to conduct a study on urban sprawl and smart growth, and to ensure the consideration by Federal agencies of urban sprawl in the preparation of their environmental reviews under the National Environmental Policy Act of 1969.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Urban Sprawl and
5 Smart Growth Study Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) Urban sprawl destroys valuable open space,
2 farmland, wildlife, and natural, cultural, scenic, and
3 recreational resources.

4 (2) Urban sprawl also leads to costly public ex-
5 penditures for infrastructure, public schools, and
6 transportation for newly developed areas while caus-
7 ing disinvestment in the urban cores of cities and
8 towns.

9 (3) Smart growth can prevent these problems
10 and help enhance the quality of life for everyone.

11 (4) Although growth management is primarily a
12 State, tribal, and local responsibility, the effects of
13 Federal actions contributing to or avoiding urban
14 sprawl can be considerable.

15 (5) Federal agencies can benefit from additional
16 guidance to improve the use of environmental impact
17 statements and environmental assessments in con-
18 sidering the potential effects of their proposed ac-
19 tions on urban sprawl and smart growth.

20 **SEC. 3. SMART GROWTH STUDY.**

21 (a) STUDY REQUIRED.—The Council on Environ-
22 mental Quality shall conduct a study of urban sprawl and
23 smart growth that updates and builds on the Council’s
24 1974 study entitled “The Costs of Sprawl” and the Coun-

1 cil's 1981 study entitled "National Agricultural Lands
2 Study".

3 (b) EXAMINATION OF ENVIRONMENTAL IMPACT
4 STATEMENTS.—In conducting the study, the Council shall
5 select and examine a variety of environmental impact
6 statements and environmental assessments by a minimum
7 of 15 Federal agencies, that were completed after 1995
8 for land and facility management, transportation and in-
9 frastructure, and regulatory and development assistance
10 programs, including rural, urban, and tribal assistance.

11 (c) PUBLIC PARTICIPATION.—The Council shall pro-
12 vide opportunities for public participation in the study, in-
13 cluding by—

14 (1) conducting public meetings in at least 5 cit-
15 ies that, as determined by the Council, are each lo-
16 cated—

17 (A) in a different region of the United
18 States; and

19 (B) in an area that is experiencing an in-
20 crease in urban sprawl;

21 (2) making electronically accessible to the pub-
22 lic information on the study and related documents;
23 and

24 (3) holding discussions with Federal, State, and
25 local government personnel and representatives of

1 Indian tribes involved in the process of formulating
2 environmental impact statements and environmental
3 assessments.

4 (d) REPORT.—Not later than 18 months after the
5 date of the enactment of this Act, the Council shall submit
6 a report to the Committee on Resources of the House of
7 Representatives and the Committee on Environment and
8 Public Works of the Senate describing the results of the
9 study, including the following:

10 (1) Findings of the Council concerning the eco-
11 nomic, environmental, and land use effects of urban
12 sprawl, such as those relating to energy, transpor-
13 tation, housing, schools, small business, Government
14 facilities and military installations, public lands and
15 forests, parks and recreation, agriculture and rural
16 landscapes, air and water, and natural, scenic, and
17 cultural resources.

18 (2) Recommendations for improving environ-
19 mental reviews by Federal agencies to more ade-
20 quately address urban sprawl.

21 (3) Recommendations for nonregulatory actions
22 that may be taken by Federal agencies to—

23 (A) assist States and local communities in
24 efforts to promote the beneficial effects of
25 smart growth; and

1 (B) minimize actions by the agencies that
2 result in adverse effects of urban sprawl.

3 (e) PARTICIPATION OF OTHER AGENCIES.—In car-
4 rying out this section, the Council should seek the partici-
5 pation of other Federal agencies.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Council \$300,000
8 for the purpose of carrying out this section, in addition
9 to any other amounts that are available for such purpose.

10 **SEC. 4. NOTIFICATION, CONSULTATION, AND CONSIDER-**
11 **ATION OF EFFECTS BEFORE DETERMINING**
12 **WHETHER TO PREPARE AN ENVIRONMENTAL**
13 **IMPACT STATEMENT.**

14 (a) NOTICE AND COMMENT.—In preparing an envi-
15 ronmental assessment for a proposed Federal action and
16 before determining whether to prepare an environmental
17 impact statement for the action, the head of a Federal
18 agency shall—

19 (1) publish notice of the action in the Federal
20 Register and local newspapers of general circulation;

21 (2) directly notify persons that may be affected
22 by the proposed Federal action, including each State
23 government, local government, Indian tribe, low-in-
24 come or minority community, and property owner
25 that may be so affected;

1 (3) conduct discussions with such persons on
2 the proposed action and its alternatives; and

3 (4) seek to address and resolve such persons'
4 concerns, if any.

5 (b) CONSIDERATION OF REQUEST FOR ENVIRON-
6 MENTAL IMPACT STATEMENT.—If the Governor of a State
7 or the head of a local government or Indian tribe referred
8 to in subsection (a)(1) submits in writing to the head of
9 the Federal agency a statement that the proposed Federal
10 action will result in urban sprawl significantly affecting
11 the quality of the human environment and a request for
12 preparation of an environmental impact statement for the
13 proposed Federal action, the head of the Federal agency
14 shall give great weight to the request in determining
15 whether to prepare an environmental impact statement for
16 the proposed Federal action.

17 (c) PUBLICATION OF ENVIRONMENTAL ASSESS-
18 MENT.—If, after receiving a written statement and re-
19 quest for an environmental impact statement under sub-
20 section (b) for a proposed Federal action, the head of a
21 Federal agency determines that the environmental impact
22 statement is not required by section 102(2)(C) of the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C.
24 4332(2)(C)), the agency head shall—

1 (1) include in an environmental assessment for
2 the action an explanation of why the proposed action
3 will not result in urban sprawl significantly affecting
4 the quality of the human environment;

5 (2) provide public notice of the availability of
6 the assessment in the Federal Register and local
7 newspapers of general circulation; and

8 (3) transmit a copy of the assessment to the
9 Council on Environmental Quality.

10 (d) URBAN SPRAWL.—The head of a Federal agency
11 shall include in an environmental impact statement re-
12 quested pursuant to subsection (b), for each alternative
13 included in the statement under section 102(2)(C)(iii) of
14 the National Environmental Policy Act of 1969 (42 U.S.C.
15 4332(2)(C)(iii)), an analysis of the environmental effects
16 of the action on urban sprawl.

17 **SEC. 5. DEFINITIONS.**

18 For purposes of this Act:

19 (1) COUNCIL.—The term “Council” means the
20 Council on Environmental Quality.

21 (2) ENVIRONMENTAL ASSESSMENT.—The term
22 “environmental assessment” has the meaning given
23 to that term in section 1508.9 of title 40, Code of
24 Federal Regulations, as in effect on the date of the
25 enactment of this Act.

1 (3) ENVIRONMENTAL IMPACT STATEMENT.—

2 The term “environmental impact statement” means
3 a detailed written statement under section 102(2)(C)
4 of the National Environmental Policy Act of 1969
5 (42 U.S.C. 4332(2)(C)).

6 (4) INDIAN TRIBE.—The term “Indian tribe”
7 means any Indian tribe, band, nation, pueblo, or
8 other organized group or community, including any
9 Alaska Native village or regional corporation as de-
10 fined in or established pursuant to the Alaska Na-
11 tive Claims Settlement Act, that is recognized as eli-
12 gible for the special programs and services provided
13 by the United States to members of the Indian tribe
14 because of their status as members.

15 (5) URBAN SPRAWL.—The term “urban
16 sprawl”—

17 (A) means any change in the pattern of
18 the use of land outside of an urban center that
19 results in a relatively dispersed form of residen-
20 tial or commercial development; and

21 (B) includes any such change that—

22 (i) may result in loss of open space,
23 farmland, rural landscapes, wildlife, or nat-
24 ural, cultural, scenic, or recreational re-
25 sources; or

1 (ii) may result in high public costs for
2 infrastructure, public facilities, or trans-
3 portation and lead to disinvestment in
4 older urban or suburban areas.

5 (6) SMART GROWTH.—The term “smart
6 growth” means policies regarding growth and devel-
7 opment that—

8 (A) recognize the effects of new growth
9 and development, including the environmental,
10 economic, and social costs described in para-
11 graph (5)(B); and

12 (B) attempt to mitigate those effects in ad-
13 vance so as to avoid or reduce them.

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